

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JOHN H. MORRISON and DEPARTMENT OF THE AIR FORCE,  
MINOT AIR FORCE BASE, ND

*Docket No. 98-1522; Submitted on the Record;  
Issued February 24, 2000*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
DAVID S. GERSON

The issue is whether appellant has more than a 10 percent impairment of the right arm for which he received a schedule award.

On March 4, 1997 appellant, then a 54-year-old vehicle maintenance technician, filed a claim alleging that on March 3, 1997 he injured his right hand in the performance of duty. The Office of Workers' Compensation Programs accepted appellant's claim for right hand strain. Appellant stopped work on March 3, 1997 and returned to limited-duty employment on March 10, 1997.

In an office visit note dated October 6, 1997, Dr. Mark K. McKenzie, a Board-certified orthopedic surgeon and appellant's attending physician, found that appellant's right wrist problems had improved since his employment duties changed and indicated that he would continue to treat him on an as needed basis.

In a letter to the Office dated October 20, 1997, appellant requested a schedule award.

By letter dated October 29, 1997, the Office informed appellant that he should have Dr. McKenzie determine the extent of any permanent impairment to his right wrist caused by the accepted employment injury. The Office informed appellant that it used the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4<sup>th</sup> ed. 1993) as its standard for impairment ratings and included a worksheet for Dr. McKenzie to complete.

In a report dated December 2, 1997, Dr. McKenzie indicated that appellant had reached maximum medical improvement on that date. He obtained the following range of motion findings for appellant's right wrist: 20 degrees radial deviation; 15 degrees ulnar deviation;

42 degrees dorsiflexion; 50 degrees palmar flexion; 70 degrees pronation; and 74 degrees supination. He related:

“With this [appellant] ends up with a 6 percent upper extremity disability due to loss of extension and flexion. He ends up with a 3 percent disability when looking at ulnar deviational loss along with a 1 percent from the lack of pronation. These added together amount to a 10 percent upper extremity disability, which then correlates with a 6 percent whole person, as mentioned utilizing Table 3 on page 20.”

He further found that appellant had “potentially a triangular fibrocartilage injury to his wrist that might require surgery down the road.”

In a report dated January 27, 1998, an Office medical adviser reviewed Dr. McKenzie’s December 2, 1997 report and concurred with his finding that appellant had a 10 percent impairment of his right arm due to loss of range of motion.

By decision dated January 29, 1998, the Office granted appellant a schedule award for a 10 percent impairment of the right arm. The period of the award ran for 31.20 weeks from December 2, 1997 to July 8, 1998.

The Board finds that appellant has no more than a 10 percent impairment of the right arm for which he received a schedule award.

Under section 8107 of the Federal Employees’ Compensation Act,<sup>1</sup> and section 10.304 of the implementing federal regulations,<sup>2</sup> schedule awards are payable for permanent impairment of specified body members, functions or organs. However, neither the Act nor the regulations specify the manner in which the percentage of impairment shall be determined. For consistent results and to ensure equal justice under the law for all claimants, good administrative practice necessitates the use of a single set of tables so that there may be uniform standards applicable to all claimants. The A.M.A., *Guides* have been adopted by the Office, and the Board has concurred in such adoption, as an appropriate standard for evaluating schedule losses.<sup>3</sup>

Dr. McKenzie, a Board-certified orthopedic surgeon and appellant’s attending physician, found in a report dated December 2, 1997 that appellant had a 10 percent impairment of his right arm due to loss of motion. He properly applied the provisions of the A.M.A., *Guides* in finding that 42 degrees of dorsiflexion and 50 degrees of palmar flexion constituted a 6 percent impairment;<sup>4</sup> 20 degrees radial deviation constituted no impairment; 15 degrees ulnar deviation constituted a 3 percent impairment;<sup>5</sup> and 70 degrees pronation constituted a 1 percent

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<sup>1</sup> 5 U.S.C. § 8107.

<sup>2</sup> 20 C.F.R. § 10.304.

<sup>3</sup> *James J. Hjort*, 45 ECAB 595 (1994).

<sup>4</sup> A.M.A., *Guides* 36, Figure 26.

<sup>5</sup> *Id.* at 38, Figure 29.

impairment.<sup>6</sup> As instructed by the A.M.A., *Guides*, he then added the impairment findings and concluded that appellant had a 10 percent right upper extremity impairment.<sup>7</sup> Dr. McKenzie converted the 10 percent right upper extremity impairment to a 6 percent impairment of the whole person. However, the Act does not provide a schedule award for a whole person impairment.<sup>8</sup>

The Office medical adviser reviewed Dr. McKenzie's report and concurred with his finding that appellant had a 10 percent impairment of his right arm. There is no evidence in the record supporting a finding that appellant has a greater right upper extremity impairment. Accordingly, the Board finds that the weight of the medical evidence establishes that appellant has no more than a 10 percent impairment of the right arm.

The decision of the Office of Workers' Compensation Programs dated January 29, 1998 is hereby affirmed.

Dated, Washington, D.C.  
February 24, 2000

Michael J. Walsh  
Chairman

George E. Rivers  
Member

David S. Gerson  
Member

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<sup>6</sup> *Id.* at 41, Figure 35.

<sup>7</sup> Dr. McKenzie should have added the impairment findings due to loss of range of motion for the wrist and combined the total wrist impairment with the one percent elbow impairment due to loss of pronation. However, as the total impairment of the right arm would remain 10 percent, any error is harmless. A.M.A., *Guides*, 38, 66, 322.

<sup>8</sup> 5 U.S.C. § 8107(c).